

**AMENDMENTS TO THE DRAWINGS**

No amendments to the drawings are made herein.

### **REMARKS**

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. This amendment is responsive to issues raised in the Office Action mailed June 2, 2006.

#### **Claim Objections**

Claims 36 and 38 have been amended to address the claim objections raised in the Office Action.

#### **Rejections Under 35 U.S.C. §102**

Claims 1-3, 8-10, 13, and 15-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,678,812 to Begis, et al. (hereinafter, "Begis"). Applicant traverses these rejections.

Begis cannot anticipate (or render obvious) independent claims 1 and 8 because Begis neither discloses (nor even suggests) limitations recited in independent claims 1 and 8. Claims 1 and 8 recite limitations directed to:

initiating a copy operation from a first storage cell to a second storage cell, wherein the copy operation initially utilizes a first write block size;

The Action asserts that Begis discloses this limitation, and cites column 1, lines 14-16 and column 4, lines 35-37 to support the rejection. Applicants disagree. The cited text reads as follows:

Transfer Block Size: The number of blocks (sectors) transferred from the hard drive to the hard drive's host processor before the hard drive issues a processor interrupt. Access Block Size: The number of blocks (sectors) requested by the basic input/output service (BIOS) or a device driver.

Optimization function 108 then generates a random address, step 208, marks the time, step 210, and performs a read using the benchmarking Access Block Size, step 212.

Nothing in this text discloses (or even suggests) the presence of a storage cell, much less the operation of initiating a copy operation from a first storage cell to a second storage cell, as recited in claims 1 and 8. Therefore, Begis cannot anticipate independent claims 1 and 8.

Paragraph 54 of the Action mailed June 6, 2006 appears to assert that Begis inherently discloses a storage cell, and initiating a copy operation from a first storage cell to a second storage cell, as recited in independent claims 1 and 8. Applicant traverses this assertion.

During patent examination, the Examiner is entitled to give claims their broadest reasonable interpretation consistent with the specification. See MPEP 2111, citing *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). However, dictionary definitions assigned to a term must yield to definitions imparted by the specification. See *Phillips v. AWH Industries*, 415 F.3d 1303 (Fed Cir. 2005) (*en banc*).

Initially, the definition cited in the Action does not correspond to the claim language at issue. The Action asserts that "a storage cell is defined as 'an elementary unit of storage; for example, a binary cell' and cites IEEE 100 The Authoritative Dictionary of IEEE Standards Terms (IEEE Standards), page 107, column 2, lines 3-4 to support the assertion. This is incorrect. The definition cited in IEEE Standards is for the term "cell," not for the term "storage cell" as asserted in the Action. The term "storage cell" is known to those skilled in the art of storage systems to refer to a device that implements storage capacity using one or more physical storage devices.

In addition, the definition asserted in the Action is contrary to the meaning assign to the term in the specification. Embodiments of storage cells are described in Fig. 2, reference numerals 210a, 210b, and 210c, and in paragraph 19. A more detailed description of an exemplary embodiment of a storage cell is provided with reference to Fig. 4, and in paragraphs 28-31 of the specification. These descriptions are consistent with the term as understood to one of skill in the art.

Moreover, the interpretation asserted in the Action renders the claim nonsensical. If, as asserted in the Action, the term "storage cell" is construed to mean a single memory cell such as, e.g., a binary cell, then the block size for a data transfer operation would necessarily be fixed, e.g., to one bit. Hence, the remaining claim limitations would be superfluous.

In sum, Begis fails to disclose (or even to suggest) the presence of a storage cell, either explicitly or inherently. Therefore, Begis cannot anticipate independent claims 1 and 8.

Claims 2-7 and 9-18 depend ultimately from independent claims 1, and 13, respectively, and are allowable at least by virtue of their dependency.

Rejections Under 35 U.S.C. §103

Claims 19 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Begis in view of U.S. Patent No. 6,769,030 to Bournas, et al., (hereinafter, "Bournas"). Applicants traverse the rejections.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. See, MPEP § 2142 - § 2143.03.

Claims 19 and 26 each recite a limitation directed to "initiating a data transfer operation between a first storage cell and a second storage cell." The Action asserts that Begis discloses this limitation, and cites column 4, lines 35-37 to support the rejection. Applicants disagree. The cited text reads as follows:

Transfer Block Size: The number of blocks (sectors) transferred from the hard drive to the hard drive's host processor before the hard drive issues a processor interrupt. Access Block Size: The number of blocks (sectors) requested by the basic input/output service (BIOS) or a device driver.

Optimization function 108 then generates a random address, step 208, marks the time, step 210, and performs a read using the benchmarking Access Block Size, step 212.

Nothing in this text discloses (or even suggests) the presence of a storage cell, much less the operation of initiating a copy operation from a first storage cell to a second storage cell, as recited in claims 19 and 26. Therefore, Begis cannot render obvious independent claims 19 and 26.

Paragraph 55 of the Action mailed June 6, 2006 appears to assert that Begis inherently discloses a storage cell, and appears to assert the same definitional arguments presented with respect to independent claims 1 and 8. Applicant traverses this assertion, and asserts the arguments submitted above with respect to independent claims 1 and 8 apply with equal force to independent claims 19 and 26.

Claims 20-25 depend from independent claim 19, and are allowable at least by virtue of their dependency.

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**CONCLUSION**

Claims 1-38 are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,  
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A handwritten signature in black ink, appearing to read 'Jed W. Caven', with a stylized, looping initial 'J' and 'C'.

Dated: August 1, 2006

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